

JANET STANEK
Secretary of the Kansas Department of Health and Environment

JOAN DUWVE
State Health Officer

ORDER REQUIRING COVID-19 TESTING IN ADULT CARE HOMES

The Kansas Department of Health and Environment (KDHE) oversees public health in the State of Kansas. The Secretary of the KDHE exercises general supervision of the health of the people of the state and may take action to prevent the introduction of infectious or contagious disease into this state and to prevent the spread of infectious or contagious disease within this state. K.S.A. 65-101(a). K.S.A. 65- 128 also authorizes the Secretary of the KDHE to issue orders as may be medically necessary and reasonable to prevent the spread and dissemination of diseases injurious to the public health.

COVID-19 has been recognized as an infectious and contagious disease and a pandemic in the State of Kansas. The health and safety of residents residing in adult care homes in Kansas, and the health and safety of staff that provide direct care and treatment to those residents, have been significantly impacted by COVID- 19 infection outbreaks. A requirement to test staff and residents living and working in state-licensed adult care homes for COVID-19 is an important and medically necessary action to prevent COVID-19 from entering these facilities, detecting cases quickly, and stopping transmission of the disease. Rapid identification of COVID-19 cases allows these adult care homes to take immediate action to remove exposure risks to both residents and staff.

Therefore, pursuant to the authority vested in me pursuant to K.S.A. 65-101 and 65-128, to prevent the introduction of infectious or contagious disease into this state and to prevent the spread of infectious or contagious disease within this state, I hereby direct and order the testing for COVID-19 in adult care homes under the following requirements:

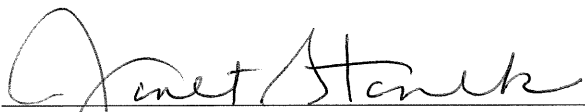
Scope

1. This order applies to all adult care homes identified in K.S.A. 39-923(a), including any nursing facility, nursing facility for mental health, intermediate care for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility, except those facilities that must comply with QSO-20-38-NH issued on August 26, 2020, and revised on March 10, 2022 by the Centers for Medicare & Medicaid Services (CMS), pursuant to 42 CFR 483.80(h), which requires facilities that are federally certified to receive Medicare and Medicaid funding to test all residents and staff for COVID-19 in accordance with guidance established by CMS.
2. Adult care homes may conduct these tests with their own staff or equipment provided the adult care home has a CLIA Certificate of Waiver; adult care homes without the ability to conduct tests must make arrangements with laboratories that can preferably process COVID-19 test results and report results within 24 hours.

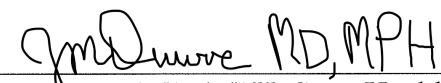
3. "Adult care home staff or "facility staff" includes employees, consultants, contractors, volunteers, and caregivers who provide care and services to residents on behalf of the adult care home, and students in the adult care home's nurse aide training programs or from affiliated academic institutions. The facility may have a provision under its arrangement with a vendor or volunteer that requires them to be tested from another source (e.g., their employer or on their own). However, the adult care home is still required to obtain documentation that the required testing was completed during the timeframe that corresponds to the facility's testing frequency.

4. Regardless of the frequency of testing being performed or the adult care home's COVID-19 status, the facility must continue to screen all staff (each shift), each resident (daily), and all persons entering the facility, such as vendors, volunteers, and visitors, for signs and symptoms of COVID-19. This Order will have no effect on a facility's visitation policy.

State licensed facilities should follow the most up-to-date CMS SARS CoV-2 testing guidance. The current guidance is outlined in QSO-20-38-NH and was revised March 10, 2022. If an adult care home needs technical assistance on determining the extent of facility-wide testing for testing of staff and residents during a COVID-19 outbreak, the facility should call or email the KDHE Epidemiology Hotline. KDHE will help the facility identify the appropriate amount of facility-wide testing through either the KDHE laboratory or other laboratory resources. This order replaces the order previously signed by Dr. Ximena Garcia, Acting State Health Officer, and shall take effect immediately and shall remain in force and effect until otherwise modified, supplemented and/or rescinded.


Janet Stanek, Secretary
Kansas Department of Health and Environment

Date: 5/11/22


Joan Duwve, MD, MPH, State Health Officer
Kansas Department of Health and Environment

Date: 5/11/2022